



MD09032
C007002
MA08044

United States
Department of
Agriculture

CERTIFIED RECEIPT REQUESTED

Office of
Administrative
Law Judges

July 15, 2011

Hearing Clerk

United Airlines
The Prentice-Hall Corporation System, Inc.
2711 Centerville Road, Suite 400
Wilmington, DE 19808

Room 1031
South Building

1400 Independence
Avenue SW

Washington, DC
20250-9200

(202) 720-4443
(202) 720-9776 fax

United Air Lines, Inc
1200 E. Algonquin Road
Elk Grove Township, Illinois 60007

Dear Respondent:

**Subject: United Air Lines, Inc.-
11-0315**

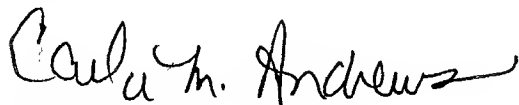
Enclosed please find a copy of the Complaint which has been filed with this office under the Animal Welfare Act, as amended, and a copy of the Rules of Practice that govern the conduct of these proceedings. Please familiarize yourself with the rules in that the comments which follow are not a substitute for their exact requirements.

The rules specify that you may represent yourself or obtain legal counsel. If an attorney does not file an appearance on your behalf, it shall be presumed that you have elected to represent yourself. Most importantly, you have 20 days from the receipt of this letter to file with the Hearing Clerk an original and three copies of your written and signed answer to the complaint. It is necessary that your answer set forth any defense you may wish to assert, admit, deny or explain each allegation of the complaint. Your answer may include a request for an oral hearing. Failure to file an answer or filing an answer which does address each material allegations of the complaint shall constitute an admission of those allegations and waive of your right to an oral hearing. If a hearing is required, it shall be formal in nature and decided by an Administrative Law Judge on the basis of exhibits received in evidence and sworn testimony that is subject to cross-examination.

It is your responsibility to notify this office of any changes in your address or telephone numbers. Failure to do so may result in a judgment being entered against you without your knowledge. Your answer, as well as any other pleadings or requests regarding this proceeding should be submitted in quadruplicate to the Hearing Clerk, OALJ, Room 1031, South Building, United States Department of Agriculture, Washington, D.C. 20250-9200.

Any questions you may have regarding the possible settlement of this case should be directed to the attorney whose name and telephone number appears on the last page of the complaint.

Sincerely,

A handwritten signature in black ink that reads "Carla M. Andrews". The signature is written in a cursive, flowing style.

Carla M. Andrews
Assistant Hearing Clerk

Enclosure(s)

CC: Sharlene Deskins-OGC
Ruth Ann McDermott-APHIS

07/15/2011

USDA
OALJ/OHC

UNITED STATES DEPARTMENT OF AGRICULTURE

21 JUL 14 11:10:23

BEFORE THE SECRETARY OF AGRICULTURE

RECEIVED

In re:) AWA Docket No. -11-0315
)
United Air Lines, Inc.,)
)
Respondent) Complaint

There is reason to believe that the respondent named herein has willfully violated the Animal Welfare Act, as amended (7 U.S.C. § 2131 et seq.), hereinafter referred to as the Act, and the regulations and standards (9 C.F.R. § 1.1 et seq.) issued pursuant to the Act, and, therefore, the Administrator of the Animal and Plant Health Inspection Service ("APHIS") issues this complaint alleging the following:

I

A. United Air Lines, Inc., hereinafter referred to as the respondent, is a corporation and the address of its principal place of business is 1200 E. Algonquin Rd., Elk Grove Township, Illinois 6007. The address for the registered agent for United Airlines is The Prentice-Hall Corporation System, Inc., 2711 Centerville Road, Suite 400 Wilmington, DE 19808.

B. The respondent, at all times material hereto, was registered and operating as a carrier as defined in the Act and the regulations. The registration number of the respondent under the Animal Welfare Act is No. 33-T-0001.

II

On or about August 25, 2006, APHIS found the following willful violations of section 2.100(a) of the regulations and standards (9 C.F.R. § 2.100(a)) specified below:

1. The respondent accepted a cat for shipment in a primary enclosure that did not conform to the requirements of 9 C.F.R. § 3.14(a)(1) of the standards (9 C.F.R. § 3.14(a)(1); and

2. The respondent failed to handle the primary enclosure for a cat in a manner that avoided causing physical harm or distress to a cat (9 C.F.R. § 3.19(b)).

III

On or about January 30, 2008, APHIS found the following willful violation of section 2.100(a) of the regulations and standards (9 C.F.R. § 2.100(a)) since the respondent failed to handle the primary enclosure for a dog named "Walker" in a manner that avoided causing physical harm or distress to the dog (9 C.F.R. § 3.19(b)).

IV

On or about July 10, 2008, APHIS found the following willful violations of section 2.100(a) of the regulations and standards (9 C.F.R. § 2.100(a)) specified below:

1. The respondent accepted a dog named "Jeddah" for shipment in a primary enclosure that did not conform to the requirements of 9 C.F.R. § 3.14(a)(1) of the standards (9 C.F.R. § 3.14(a)(1); and

2. The respondent failed to handle the primary enclosure for a dog named "Jeddah" in a manner that avoided causing physical harm or distress to a dog (9 C.F.R. § 3.19(b)).

WHEREFORE, it is hereby ordered that for the purpose of determining whether the respondent has in fact willfully violated the Act and the regulations and standards issued under the Act, this complaint shall be served upon the respondent. The respondent shall file an answer

with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250-9200, in accordance with the Rules of Practice governing proceedings under the Act (7 C.F.R. § 1.130 et seq.). Failure to file an answer shall constitute an admission of all the material allegations of this complaint.

The Animal and Plant Health Inspection Service requests:

1. That unless the respondent fails to file an answer within the time allowed therefor, or files an answer admitting all the material allegations of this complaint, this proceeding be set for oral hearing in conformity with the Rules of Practice governing proceedings under the Act; and

2. That such order or orders be issued as are authorized by the Act and warranted under the circumstances, including an order:

(a) Requiring the respondent to cease and desist from violating the Act and the regulations and standards issued thereunder; and

(b) Assessing civil penalties against the respondent in accordance with section 19 of the Act (7 U.S.C. § 2149).

Done at Washington, D.C.
this 13th day of July, 2011

SHARLENE DESKINS
Attorney for Complainant
Office of the General Counsel
United States Department of
Agriculture
Washington, D.C. 20250-1417
Telephone (202) 720-2595

